TABLED DOCUMENT NO. 06 - 12 - (1) TABLED ON DEC 10 1991

NORTHWEST TERRITORIES

LEGAL AID

1990-1991

ANNUAL REPORT

LEGAL SERVICES BOARD OF THE N.W.T

1990-91 BOARD OF DIRECTORS

John Vertes, Q.C.	Chairperson/Nominee of Attorney General, Canada
Geoffrey Bickert, Q.C.	Member of Public Service of the Northwest Territories
Adrian Wright	Nominee of Law Society of the Northwest Territories, to June, 1990
Virginia Schuler	Nominee of Law Society of the Northwest Territories, from June, 1990
Neil Sharkey	Nominee of Maliiganik Tukisiiniakvik
Peter Westaway	Nominee of Mackenzie Court Workers Services
Lucy Dillon	Nominee of Arctic Rim Law Centre Society
Stephen Whipp	Nominee of Arctic Public LegalEducation & Information Society
Christine Williams	Appointed by Minister of Justice of Government of Northwest Territories, Representative of General Public from December, 1990
Evelyn R. Storr	Appointed by Minister of Justice of Government of Northwest Territories, Representative of General Public from December, 1990
Caroline Anawak	Keewatin Region to August, 1990
Thomas Kutluk	Nominee of Keewatin Legal Services Centre Society, from August, 1990
Charlie Lyall	Kitikmeot Region to September, 1990
Joe Otokiok	Nominee of Kitikmeot Regional Council, from September 1990
Douglas Miller	Executive Director/Secretary of Board (ex officio)

LEGAL SERVICES BOARD OF THE NORTHWEST TERRITORIES

1990-1991 Annual Report

Objectives

The objects of the Board, as set forth in the Legal Services Act are to ensure the provision of legal services to all eligible persons; ensure that the legal services provided and the various systems for providing those services are the best that circumstances permit; and, to develop and co-ordinate Territorial or local programs aimed at reducing and preventing the occurrence of legal problems among the people, and increasing their knowledge about the law, legal process and the administration of justice.

The Board of Directors

The members of the Board of Directors are appointed by the Minister of Justice of the Government of the Northwest Territories. In 1990/91 the Board met four times to assist and make recommendations with respect to its program and its administration.

The duty of the Board of Directors is to administer the provisions and regulations of the Legal Services Act and make every effort to meet its objectives. The Board reviews legal services, the performance of Regional Legal Services Committees; is responsible for coordinating the provision of legal services and publishing details of the services available.

Legal Services Staff

The Executive Director of the Legal Services Board is appointed by the Board and is required under the Legal Services Act to be a barrister and solicitor as well as a member of the Law Society of the Northwest Territories. Douglas Miller was the executive officer of the Board in this year. His responsibilities include supervising the Board's staff, ensuring its responsibilities are carried out, and, acting as secretary ex officio of the Board.

The staff of the Legal Services Board are members of the Public Service of the Northwest Territories. The Administrative Assistant reports to the Executive Director, assesses applicants' entitlement to Legal Aid, and attends to the processing of lawyers' accounts for the services provided by them on the Board's behalf. The Secretary and the Legal Aid Clerk assist both the Executive Director and the Administrative Assistant with their duties. The Administrative Assistant has been on staff since 1984, the Clerk has been on staff since 1989 and the Secretary joined the staff in 1990.

LEGAL AID SERVICES

Eligibility for Legal Aid

Under the Legal Services Act, only a person is eligible for Legal Aid. To be eligible for Legal Aid, applicants must show they cannot afford to pay a lawyer from their own finances. In determining whether applicants should be approved for Legal Aid, consideration is given to their assets, liabilities, income, expenses, and, their financial requirements and those of their spouses and dependants.

Where applicants for Legal Aid are charged with offenses which are proceeding, or are likely to proceed, by way of summary conviction, Legal Aid may be denied unless there is a likelihood of imprisonment or the applicants' livelihood would be prejudiced, if convicted. In this year, the Board of Directors expanded the coverage for summary conviction offenses to provide advice to first time offenders and continued legal services if trials were scheduled.

In civil matters and appeals, the lawyer assigned to a case is required to provide an opinion as to the merits of a claim or appeal before Legal Aid is authorized to continue. In cases of urgency, this requirement may be waived by the Executive Director.

Legal Aid Tariff

There was no change in the Legal Aid tariff of fees paid to lawyers in 1990/91. The current tariff has been in place since April 1, 1987.

Client Contributions

Persons who apply for Legal Aid acknowledge on the Application for Legal Aid that they may be assessed a contribution toward the cost of Legal Aid services incurred on their behalf. If it is determined by the Executive Director that such a contribution is warranted, taking into account the eligible person's financial circumstances, there will be an assessment of a contribution and the funds collected thereby will be paid to the Government of the Northwest Territories General Revenue Fund. In 1989/90, the Board recovered the amount of $35,000 while in this year it recovered approximately $25,000. The amounts so recovered are deducted from the amount claimed in the Territorial Government's claim from the Government of Canada under the Federal/Territorial Legal Aid Cost Sharing Agreement.

TARIFF OF FEES IN CRIMINAL AND CIVIL MATTERS

Individual Cases/per hour	August 1, 1984 to March 31, 1985	April 1, 1985 to March 31, 1987	April 1, 1987 to March 31, 1990
Lawyers with less than 2 years of practice	57.50	60.00	64.00
More than 2 years, but less than 5 years	68.00	70.00	75.00
More than 5 years	83.60	86.00	92.00
Students At Law	30.00	40.00	42.80
Court Circuits/ per day			
Lawyers with less than 2 years	340.00	350.00	375.00
More than 2 years, but less than 5 years	435.00	435.00	465.00
More than 5 years practice	495.00	515.00	550.00

Legal Aid Panel

Lawyers in private practice who are prepared to provide Legal Aid services may apply to the Legal Services Board to be appointed to the Legal Aid Panel. To be appointed to the panel, the lawyer must be a member of the Law Society of the Northwest Territories and be prepared to abide by the provisions of the Legal Services Act and Regulations.

In 1990/91, there were 10 lawyers on the panel in the 0-2 year category, 10 lawyers in the 2-5 year category, and 25 lawyers in the 5 years or more category for a total of 45 lawyers. In 1989/90, there were 10 lawyers on the panel in the 0-2 year category, 8 lawyers in the 2-5 year category, and 24 lawyers in the 5 year or more category for a total of 42 lawyers. In this regard, it should be noted that more lawyers in the highest category are providing Legal Aid services longer than in the past. This has resulted in more experienced lawyers providing legal services to eligible applicants for Legal Aid.

The Board continued its policy of assigning newly admitted members to the Panel to two Territorial Court circuits with experienced counsel prior to being assigned to circuits on their own.

Assignment of Legal Aid Work to Panel Members

Legal Aid work is assigned to members of the Panel on a rotational basis to ensure fairness in the making of such assignments.

Lawyers located in communities other than Yellowknife have the priority of Legal Aid assignments except where there are conflicts between them and their Legal Aid clients. In such cases, another lawyer from the Legal Aid Panel is assigned to represent the client and to assist the lawyer on a circuit, where appropriate.

The Legal Services Board is required under the Legal Services Act to make arrangements for at least one lawyer to accompany the Supreme and the Territorial Court on all circuits where a lawyer will be required for the provision of Legal Aid on the circuit.
In 1990/91, there were 12 "choice of counsel" matters (1989/90, there were 11). A person who is charged with an offence where the maximum penalty, if convicted, is life imprisonment has the right to choose their own lawyer in the Northwest Territories. Exceptions to this provision are the offenses of Breaking and Entering under the Criminal Code and Trafficking a Narcotic under the Narcotic Control Act.

Procedures and Policies

Lawyers' accounts are paid according to the Legal Aid Tariff of Fees. Accounts are checked and verified by the Administrative Assistant and then taxed and approved by the Executive Director to determine whether they are reasonable and comply with the provisions of the Legal Services Regulations.

In cases of dispute with a decision of the Executive Director concerning the taxation of an account, a denial of Legal Aid, or the assessment of a contribution from a client, appeals may be made to the Board of Directors of the Legal Services Board. In 1990/91, no such appeals were taken to the Board as any disputes about accounts were resolved between the lawyers concerned and the Executive Director.

LEGAL AID RECIPIENTS (LEGAL AID OFFICE)

Criminal Matters	1988/89	1989/90	1990/91
Adult Criminal Approval	1,451	1,712	2,216
Young Offender Approval	665	487	578
Denials	118	148	97
Total Criminal Applications	2,234	2,347	2,891
Civil Matters			
Approvals	507	446	493
Denials	63	152	165
Total Civil Applications	570	598	658
Appeals			
Adults Criminal Approvals	54	62	75
Denials	14	9	6
Young Offenders (Disposition Reviews)	31	13	
Total Appeal Applications	71	72	94
Total Applications processed through Legal Aid Office	**2,875**	**3,017**	**3,549**
Total Number of Persons Approved for Legal Aid Through Legal Aid Office	**2,680**	**2,708**	**3,287**

Note: Figures for 1989/90 do not include all persons provided Legal Aid assistance by Maliiganik Tukisiiniakvik and Arctic Rim Law Centre. From October 1989, a system was implemented whereby all applications are to be processed through the Legal Aid office.

STAFF AND EXECUTIVE DIRECTOR'S REPORT

The Legal Aid office is located in the Goga Cho Building in Yellowknife. This space is shared space with Mackenzie Court Workers Services and Arctic Public Legal Education & Information Society. As such, the Court Workers are responsible for obtaining Applications for Legal Aid at the Legal Aid office which is greatly appreciated and relieves the Legal Aid staff of having to provide this often time consuming service. Throughout the course of the year, persons seeking information or preventative counselling contacted the Legal Aid office on regular basis but with the implementation of the Law Line by Arctic PLEI, they are being referred to it except in cases of urgency.

The Executive Director also considered a few complaints by eligible persons against members of the Legal Aid Panel but in most instances the differences were resolved or the persons were assigned to other counsel. Given the number of persons who were assisted in the year by Legal Aid, there were remarkably few complaints or changes. In 1990/91, only 4 such changes were made and were due primarily to a breakdown in communication between the Legal Aid recipient and the lawyer.

The Legal Aid staff also assisted members of the Legal Aid Panel in making travel arrangements for them and witnesses throughout the course of the year. In this respect, the staff assists counsel by requesting travel and accommodation warrants from the Department of Justice. The Legal Aid staff is experiencing an increased demand in this regard due to the implementation of the Goods & Services Tax. Since the Legal Services Board is a tax-free entity for purposes of the tax, no tax is paid if it is paid directly by the Government.

Staff also circulated memos from time to time advising panel members of the existence of reports of cases or memorandums of law which may be of interest to them and upon request made copies.

In August 1990, the Executive Director attended the Association of Legal Aid Plans of Canada annual meeting at St. Andrews-by-the Sea, New Brunswick with Board member, Virginia Schuler. In this regard, both thought the experience was worthwhile in that they were given a broader view of Legal Aid in Canada.

The Executive Director was also reappointed to the Legal Aid Liaison Committee of the Canadian Bar Association in September, 1990.

Northwest Territories Legal Aid has an informal agreement with other Legal Aid programs in Canada to provide Non-Resident Civil Legal Aid which ensures that residents of the Northwest Territories who are eligible for Legal Aid are provided civil Legal Aid services in other provinces or territories. In 1988-89, 15 applications for Non-Resident Civil Legal Aid were received and 12 were referred to other jurisdictions.

REGIONAL LEGAL SERVICES COMMITTEES
&
LEGAL INFORMATION SERVICES

The Legal Services Board is the carrier agency for Mackenzie Court Workers Services, Maliiganik Tukisiiniakvik, the Arctic Rim Law Centre Society, Keewatin Legal Services Centre Society, Arctic Public Legal Education & Information Society and the Kitikmeot Courtworker Program. It is the Board's responsibility to ensure these programmes have adequate funding to carry out their respective programs and to keep their performance and programs under review.

The funding for the programs is cost shared between the Departments of Justice, Canada and the Northwest Territories. The funding for Maliiganik Tukisiiniakvik, Arctic Rim Law Centre Society, Keewatin Legal Services Centre Society, and Kitikmeot Courtworker Program is cost shared on a 50/50 basis between both levels of government under the Legal Aid Cost Sharing Agreement.

The funding for Mackenzie Court Workers Services is cost shared on the same basis as the other programs but pursuant to a separate agreement under Native Programs of the Department of Justice, Canada. This agreement is under review and it is expected that a portion, if not all of the funding for this program, will eventually fall under the Legal Aid Cost Sharing Agreement. This will allow the program to offer more legal services than it is authorized to provide under the current agreement.

The funding for Arctic Public Legal Education & Information Society (Arctic PLEI) is contributed by various sources including the Departments of Justice, Canada and the N.W.T., the Law Foundation of the Northwest Territories, and other sources as determined by contractual arrangements or contributions made with or to the society. The Legal Services Board's is responsible for ensuring that this program receives adequate funding from the Department of Justice, N.W.T.

Mackenzie Court Workers Services, Maliiganik Tukisiiniakvik, Arctic Rim Law Centre Society, Keewatin Legal Services Centre Society and Arctic PLEI are incorporated non profit societies which have their own boards of directors and employ their own staff to carry out their programs. The Kitikmeot Courtworker Program is administered by the Kitikmeot Regional Council pursuant to an administration agreement with the Legal Services Board.

Mackenzie Court Workers Services

This organization is responsible for providing court worker services in the Mackenzie Delta, Mackenzie Valley and Great Slave Regions of the Northwest Territories.

In 1990/91, courtworkers were located in Yellowknife, Fort Smith, Hay River, Fort Franklin, Inuvik and Fort Simpson. Courtworkers assisted persons with legal problems from these communities as well as the surrounding area. They acted as a liaison between the people and the justice system and assisted persons in completing Applications for Legal Aid. As well, they provided people with legal information, represented people in Justice of the Peace Court, Youth Court, and Territorial Court when they could not otherwise or chose not to be represented by a lawyer. In this regard, however, their responsibility was to represent those persons who were charged with offenses which were proceeding by way of, or likely to proceed by way of, summary conviction and were pleading guilty to the charges in question.

Peter Westaway was the Executive Director of Mackenzie Court Workers Services in 1990/91. The Executive Director supervises 9 courtworkers and a head office staff of three including an office manager, supervisor/trainer, and secretary.

In 1990/91, two training sessions were held for courtworkers. As well, their staff visited schools and other institutions on a periodic basis to provide information about their services. Assistance was also provided to the public by the Court Workers in the area of name changes, custom adoptions, amending probation orders, fine extensions, and assisting Young Persons with legal problems.

Maliiganik Tukisiiniakvik

This organization is responsible for providing Legal Aid services, among other services, to people in the Baffin Region. Neil Sharkey was the executive director/lawyer of the program in 1990/91. The program's head office is located in Iqaluit. As well, it has a sub office located in Pond Inlet.

In 1990/91, Maliiganik Tukisiiniakvik employed an office manager, a secretary, a receptionist and a paralegal at its Iqaluit office. At the Pond Inlet office, in addition to the lawyer, Desmond Brice-Bennet, there were a part-time secretary and interpreter/translator as well as a part-time paralegal. The lawyer provides Legal Aid services to the people located in North Baffin communities as well as assists the lawyer/director at the Iqaluit office on a regular basis.

As well, this program employed a paralegal co-ordinator, and part-time paralegals who are responsible for assisting people with their legal problems, conducting interviews to assist counsel, assisting persons appearing in Justice of the Peace, Youth, and Territorial Courts, and assisting people in completing Applications for Legal Aid. Paralegals were located at Clyde River, Igloolik, Lake Harbour, Pond Inlet, and Cape Dorset in 1990/91.

Keewatin Legal Services Centre Society

The lawyer/director of this program is Agnes Krantz. It also employed one courtworker and a secretary in 1990/91 at its office in Rankin Inlet.

As well, it employs two part-time paralegals who are located at Baker Lake and Arviat to assist persons in those communities with their legal problems and to assist them in completing Applications for Legal Aid.

This is the first year of operation for this centre. It has become recognized in the region and directly assisted approximately 200 persons in 1990/91 as well as countless others to whom information was provided but no files opened.

Arctic Rim Law Centre Society

Heidi Breier was the executive director of the Arctic Rim Law Centre Society in 1990/91. The society's office is located at Tuktoyaktuk and employs a courtworker, office manager and secretary.

It is responsible for providing Legal Aid services to that community as well as Paulatuk, Holman and Sachs Harbour.

In 1990/91, the centre opened 198 direct Legal Aid service files and had approximately 460 summary contacts for which no files were opened.

Arctic Public Legal Education & Information Society

Arctic PLEI is in Yellowknife and was the designated organization in the Northwest Territories for providing legal education and information programs throughout this jurisdiction in 1990/91.

In 1990/91, Stephen Whipp was the program's executive director. The program also employed a program co-ordinator and an administrative assistant. Mr. Whipp resigned in February, 1991 and a search for a replacement was undertaken.

The program was active in 1990/91 in a number of projects including a workshop on family violence and child sexual abuse, a Law-Line, speakers bureau, producing pamphlets on various legal topics.

As well, it was jointly involved with the Public Legal Education Association of Newfoundland in the Oral Culture Family Violence Theatre project which was funded by the Donner Foundation, the Women's Secretariat, Department of Social Services, Department of Justice, and Department of Education.

The program evaluated itself in 1990/91 and has determined that it should become more community oriented and this will be its program focus in the next year. The program's program co-ordinator is responsible for developing such programs and volunteer development.

Kitikmeot Courtworker Program

The Kitikmeot Courtworker Program commenced operations in September, 1990. The program is administered by the Kitikmeot Regional Council pursuant to an administration agreement with the Legal Services Board. It is planned that a legal services centre society will be formed in 1991/92. This program will employ a lawyer/director to provide legal services to the people of the Kitikmeot Region.

In the meantime, a courtworker/supervisor is located in Cambridge Bay. Part time courtworkers are located in Coppermine, Pelly Bay, Spence Bay, and Gjoa Haven. They are responsible for assisting people who have legal problems and for assisting them in completing Applications for Legal Aid.

Financial Administration

The Legal Services Board's financial administration is provided by the Department of Justice, Government of the Northwest Territories, Finance & Administration Division. In this regard, all accounts are paid, after being processed through the Legal Aid office, by the Government of the Northwest Territories.

All financial information pertaining to the operations of the Board are included with that of the Department of Justice in the Government's Financial Information System and such statements are provided to the Board on a monthly basis.

As well, the Board is responsible for ensuring that the programs it funds receive their contributions from the Department of Justice usually on a quarterly basis.

The Board has administration agreements with the various programs which sets forth the terms under which such contributions are to be made including the requirement to provide Statements of Revenue & Expenditures and audited financial statements at the year end.

EXPENDITURE REPORT

	1989-90 Budget	1989-90 Actuals	1990-91 Budget	1990-91 Actuals
1. Salaries, Wages Benefits	115,000	132,356	128,000	149,166
Total Salaries/Wages	115,000	132,356	128,000	140,166
2. Contributions				
Mackenzie Court Workers	698,000	678,000	646,000	668,000
Maliiganik Tuk.	486,000	511,000	515,000	530,000
Arctic Rim Law	212,000	107,206	208,000	225,000
Arctic PLEI	62,000	62,000	62,000	83,045
Keewatin Legal Serv.	157,000	145,599	259,000	282,404
Kitikmeot Courtworker			116,000	51,032
Total Contribution	1,615,000	1,503,805	1,806,000	1,839,481
3. Other Travel & Trans	255,000	358,024	343,000	304,237
Materials & Supp.	7,000	6,309	15,000	13,648
Purchase Serv.	25,000	35,348	25,000	56,911
Contract Serv.	67,000	89,044	65,000	108,058
Fees & Payments	1,273,000	1,439,413	1,330,000	2,167,177
Other	3,000	1,530	1,000	5,627
Total Other	1,630,000	1,929,683	1,779,000	2,655,658
TOTAL	3,360,000	3,565,844	3,713,000	4,644,305

Note: These statements are unaudited and represent expenditures as provided by the Financial Information System of the Government of the Northwest Territories. The 1990/91 budget amounts are those which were approved at the beginning of this fiscal year by the Legislative Assembly of the Northwest Territories.

The budget was increased during the course of the year due increases in salaries for employees of programs funded by the Board, rent increases, and increases in expenditures for travel and transportation and, fees and payments by way of supplementary funding requests and a special warrant.

Consequently, the 1990/91 Revised Budget was increased by the Department of Justice, G.N.W.T.in the amount of $1,058,000 in order to meet outstanding commitments. After accounting for the increase in the budget, there was a surplus of approximately $126,691 at the end of the fiscal year.